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From: s.38

Date: 2022-03-24 9:16 p.m. (GMT-05:00)

To: s.38

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Subject: DEDC meeting summary - 2022-03-24

Good evening,

**BLUF:** CSIS was proposed as a witness by a Liberal MP, and although the motion was not voted on, this signals that CSIS will likely be called once the scope of the study is refined. Although scope of the study was discussed, no official plan was proposed, in favour of determining the legislative intent of the Parliamentary Review Committee to inform the mandate of the committee. The committee passed a motion to call the Honourable Perrin Beatty, the current law clerks of the Senate and the House of Commons to appear before committee to aid in determining legislative intent and scope of the committee (slated to appear Tuesday, March 29). Further the committee passed a motion to call the Deputy Prime Minister, President of the Queen's Privy Council and Minister of Emergency Preparedness, Minister of Public Safety, and Minister of Justice to appear before committee (date TBD). Notice of a motion to order the production of documents, including security assessments and legal opinions relating to the section 2 threshold of the CSIS Act was provided, and will be voted on in future meetings.

#### Scope

MP Motz proposed a motion that the committee retain independent legal advice, not affiliated with the GoC. Debate on this motion was adjourned. MP Motz then proposed a motion for the scope of the committees study. The motion proposed to study the following points:

- The events leading to the invocation of EA
- The rationale for invocation and alternative options
- The legality of invocation of EA
- The choice and necessity of invocation
- The constitutionality of those orders
- The use made of those orders

Debate on the scope of the Parliamentary Review Committees ensued, with Liberal MPs interpreting the committee as forward looking, and the inquiry (section 63 of the Act) reviewing the event leading to the invocation. Debate on the motion was adjourned for later.

#### Witnesses

In keeping with this debate on mandate of the committee, MP Bendayan proposed a motion to call the Honourable Perrin Beatty, the original drafter of the Emergencies Act, and the law clerks of the Senate and the House of Commons before the committee, to determine the legislative intent for the committee. This motion was carried.

MP Naqvi proposed a motion that the Deputy Prime Minister, President of the Queen's Privy Council and Minister of Emergency Preparedness, Minister of Public Safety, and Minister of Justice be called before committee for 1.5 hours each. The motion was unanimously carried.

MP Virani proposed a motion that officials from the Department of Public Safety, Department of Finance, Department of Justice, RCMP, CBSA, FINTRAC, and CSIS appear at a date to be determined by the committee, for 6 hours total over two meetings. The debate was adjourned, to be revisited when the scope of the study is agreed upon.

#### **Production of Documents**

MP Motz gave notice of the below motion (not official motion), to be debated at the next meeting. That an order do call for all due security assessments, legal opinions with the Government relied upon

- a. Thresholds to security to threats of s. 2 of CSIS Act were met
- b. Thresholds to be met by 3.a of the EA had been met
- c. Situation could not be met by any other law
- d. The regulations orders were compliant with the Charter
- e. Emergencies economic measure order was compliant with Charter
- f. Documents be provided to the law clerk within 1 month of the adoption of this order, with any redaction that might compromise national security.
- g. Law clerks will discuss in camera with the committee, if they agree with the redactions proposed by the Government, and reject some or all of the redactions and request the unredacted documents forthwith.

The next meeting will take place on Tuesday, March 29, and will hear from the law clerks and the Honourable Perrin Beatty (if possible).

Thank you!

s.38